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and it was the fire that destroyed the goods. The third point is: Was this negligence the proximate cause of the loss of the goods, when it was shown that the cause of the fire was not on account of negligence on the part of the railway company? In answer to this question, the court says: "The neglect and wrongful detention of the goods and that alone exposed them to the fire, and but for that detention, they would not have been destroyed though the fire did occur. Thus it becomes obvious that the negligence of the railway company was the proximate cause of the loss. The casual connection between the failure to deliver the goods and the injury to the plaintiff is complete."

Costs—Who Liable for.—*Foster v. Verner*, 25 Atl. Rep. 174 (Pa.). On the dismissal of a bill in equity it was decreed that the parties should jointly pay the master's fees. The plaintiff was insolvent and hence defendant would be liable for the whole amount. The court held that as the plaintiff failed to sustain his bill it was unjust for defendant to pay all the costs, and the decree should be so modified that each would pay an equal part; for though in this case the master could not recover any portion from the plaintiff, yet it would be unjust to remedy the difficulty by throwing all the costs of the protracted litigation upon the defendant.

Surface Water Drainage—Construction of Railroad.—*Staton v. Norfolk & C. R. Co.*, 16 S. E. Rep. 181 (N. Carolina). The defendant constructed a ditch along its right-of-way, such ditch being necessary to the operation of the road, and carefully constructed. Through this channel, surface water, being diverted from the direction in which it naturally flowed, was conducted and finally emptied into a natural water course, whereby the plaintiff's land was overflowed. The railroad company was held liable for the damage thus inflicted, the court following *Jenkins v. Railroad Co.*, 15 S. E. Rep. 193, where it said that "a railroad company enjoys the same privileges as any other land-owner, but no greater, to be exercised under the same restrictions and qualifications." To the proposition urged by the defendant that inasmuch as the legislature had authorized the construction of the road an adjacent proprietor could not recover for any damage incident to such construction, provided the work was necessary and properly done, the court replied that such a ruling would make an exception to the maxim *sic utere tuo*, etc., in favor of railroads. And although North Carolina is the only State in the